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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 161017970-6999-02]

RIN 0648-XF814

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of Rhode Island

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the 2017 summer flounder commercial quota allocated to the State of Rhode Island has been harvested. Vessels issued a commercial Federal fisheries permit for summer flounder may not land summer flounder in Rhode Island for the remainder of calendar year 2017, unless additional quota becomes available through a transfer from another state. Regulations governing the summer flounder fishery require publication of this notification to advise vessel and dealer permit holders that Federal commercial quota is no longer available to land summer flounder in Rhode Island.

DATES: Effective 0001 hours, November 14, 2017, through December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Cynthia Hanson, (978) 281-9180, or *Cynthia.Hanson@noaa.gov*.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial

quota that is apportioned on a percentage basis among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102.

The coastwide commercial quota for summer flounder for the 2017 calendar year is 5,658,260 lb (2,566,544 kg) (81 FR 93842, December 22, 2016). The percent allocated to vessels landing summer flounder in Rhode Island is 15.68298 percent, resulting in an initial commercial quota of 887,542 lb (402,582 kg). Rhode Island has received one quota transfer of 380 lb (172 kg) from New Jersey on October 4, 2017 (82 FR 46936), bringing its commercial quota to 887,922 lb (402,755 kg).

The NMFS Administrator for the Greater Atlantic Region (Regional Administrator) monitors the state commercial landings and determines when a state's commercial quota has been harvested. NMFS is required to publish a notice in the *Federal Register* advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial summer flounder quota is available to land in that state. The Regional Administrator has determined, based on dealer reports and other available information, that the 2017 Rhode Island commercial summer flounder quota will be harvested by November 14, 2017.

Section 648.4(b) provides that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, November 14, 2017, landings of summer flounder in Rhode Island by vessels holding summer flounder commercial Federal fisheries permits are prohibited for the remainder of the 2017 calendar year, unless

additional quota becomes available through a transfer and is announced in the *Federal Register*. Effective 0001 hours, November 14, 2017, federally permitted dealers are also notified that they may not purchase summer flounder from federally permitted vessels that land in Rhode Island for the remainder of the calendar year, or until additional quota becomes available through a transfer from another state.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action closes the commercial summer flounder fishery for Rhode Island until January 1, 2018, under current regulations. The regulations at § 648.103(b) require such action to ensure that summer flounder vessels do not exceed quotas allocated to the states. If implementation of this closure was delayed to solicit prior public comment, the quota for this fishing year will be exceeded, thereby undermining the conservation objectives of the Summer Flounder Fishery Management Plan. The Assistant Administrator further finds,

pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reason stated above.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 13, 2017.

Emily H. Menashes,

Acting Director,

Office of Sustainable Fisheries,

National Marine Fisheries Service.

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